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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,161	02/03/2004	Ronald C. Tate	1505-0171	1877

7590 12/07/2005
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EXAMINER

NGUYEN, HUNG THANH

ART UNIT PAPER NUMBER

2841

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5/1

Office Action Summary	Application No.		Applicant(s)	
	10/772,161		TATE ET AL.	
	Examiner		Art Unit	
	HUNG T. NGUYEN		2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/3/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1-10 and 17-21 drawn to Utility Meter, classified in class 324, subclass 142.
- II. Claim 11-16, 22, drawn to Method of manufacturing, classified in class 29, subclass 830+.

The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case method is used to rotating a second edge of the liquid crystal display within the display.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Harold C. Moore on 9/28/05 a provisional election was made with out traverse to prosecute the invention of group I, claim 1-10, 17-21. Affirmation of this election must be made by applicant in replying to this Office action. Claim 11-16, 22 withdrawn from further

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consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-10, 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore (US 5,066,906).

Regard claim 1: Moore discloses in figures 1-6, an arrangement comprising: a liquid crystal display (28) having a length (see element 28), a width (see element 28) and a thickness (see element 28); an integrally formed housing comprising a display receptacle (225), the display receptacle (225) including retention members (30) operable to retain the liquid crystal display (28) in length (see element 28), width (see element 28) and thickness (see element 28) dimensions, and a flexible conductor(device 32) operably connected between the liquid crystal display (28) and a circuit board (26).

Regard claim 2, 8, 9: Moore discloses in figures 1-6, the arrangement wherein the integrally formed housing includes a rib (see column 6, lines 16-58) extending across at least a portion the display receptacle (explain in claim 1), the rib (see column 6, lines 16-58) configured to retain the flexible conductor device in a predetermined position within the receptacle (explain in claim 1).

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Regard claim 3, 4: Moore discloses in figures 1-6, the arrangement wherein the integrally formed housing includes one or more side walls (portion of 14) and an end wall (portion 11) forming a meter circuit housing (10), the display receptacle (explain in claim 1) disposed within the meter circuit housing (10).

Regard claim 5, 20: Moore discloses in figures 1-6, the arrangement wherein the one or more side walls comprises a cylindrical side wall (see figures).

Regard claim 6: Moore discloses in figures 1-6, the arrangement wherein the meter circuit housing further comprises snap features (see abstract)for receiving corresponding snap features secured to the circuit board.

Regard claim 7: Moore discloses in figures 1-6, the arrangement wherein the display receptacle includes four side walls (see figures 3) and end retaining flanges (302) extending perpendicularly from the four side walls (see figure 3), at least one of the four side walls (see figure 3) including at least one detent (226 or portion of 30) for retaining the liquid crystal display in the thickness dimension.

Regard claim 10: Moore discloses in figures 1-6, the arrangement wherein the rib includes a portion having an L-shaped cross section (it appears rib is an L shape).

Regard claim 21: Moore discloses disclose the meter housing structure wherein the flexible extension forms a gasketless seal (see column 1, lines 27-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 5,066,906) in view of Hartman (US 5,364,290)

Regard claim 17, 18, 19: Moore discloses in figures 1-6, a meter housing structure comprising: a base plate (11) supporting one or more meter blades, a cover (14) having an open end (see figures 1, 2) and a closed end (planar portion of 14), the open end (planar portion of 14) including a periphery having a shoulder (the edge of cover, see figures 1, 2), a first housing (10) supporting a display element, the first housing (10) having a periphery having an outward extending shoulder the first housing also including at least one flexible extension extending at an angle from the first housing outward extending shoulder: and wherein the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate.

Moore does not disclose the periphery having an outward extending shoulder the first housing also including at least one flexible extension extending at an angle from the first housing outward extending shoulder: and wherein the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate.

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Hartman discloses a periphery having an outward extending shoulder the first housing also including at least one flexible extension (see abstract and figure 9) extending at an angle from the first housing outward extending shoulder: and wherein the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate.

Moore and Hartman are analogous art because they are from the same field of endeavor to make utility meter.

At the time of the invention, it would have been obvious for one ordinary skill in the art to make flexible extension of Moore to engage the housing against the base plate as taught by Hartman.

Therefore, it would have been obvious for one ordinary skill in the art to combine Moore with Hartman for the benefit of keeping cover in place.

Relevant Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Bradshaw William M (US 1969499) teaches the watt-hour meter mounting, Lewis Morgan J (US 2,582,638) teaches the meter through box, Hammond Scott H (US 4,744,004) teaches the electricity meter, Langdon et al. (US 4,977,482) teaches the watt-hour meter socket, Germer et al. (US 5,001,420) teaches the energy meter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG T. NGUYEN whose telephone number is 571-272-5983. The examiner can normally be reached on 8:00AM - 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMMIE CUNEO can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

HN

Hung Thanh Nguyen

12/2/ 2005

A handwritten signature in black ink, appearing to read 'Kamand Cuneo', is positioned above the printed name and title.

KAMAND CUNEO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800